

## REMARKS/ARGUMENTS

Claims 1-23 are pending in the present application. The Examiner has allowed claims 1-16. The Examiner has rejected claims 17, 19, and 21. The Examiner has objected to claims 18, 20, 22, and 23. Applicant respectfully requests reconsideration of pending claims 17-23.

The Examiner has objected to the disclosure because of the following alleged informalities:

the specification does not include brief "Summary of the Invention" section; and

in line 2 of paragraph 35 on page 4, "230234" should be "230-234."

Applicant notes MPEP § 608.01(a), particularly Form Paragraph 6.01, entitled "Arrangement of the Sections of the Specification in a Utility Application," which states, "The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use." Applicant submits that the such guidelines are merely suggested, but not required. Moreover, while 37 CFR § 1.71 states what the specification "must" include, Applicant submits that 37 CFR § 1.73 merely states that a "brief summary of the invention...should precede the detailed description" and includes the adverb clause, "when set forth," which Applicant submits indicates that a brief summary of the invention need not be set forth in a utility application. Therefore, Applicant submits that the Examiner's objection as to the brief "Summary of the Invention" is obviated.

As to the Examiner's other objection to the specification, Applicant cannot locate a "line 2 of paragraph 35 on page 4" in the specification, nor can Applicant locate an occurrence of "230234" anywhere in the specification. Thus, Applicant submits that the Examiner's objection has been obviated.

The Examiner has objected to claim 1, line 6, stating, "the phrase 'queuing points within the a distributed processor' should be changed to 'queuing points within the distributed processor'." Applicant has amended claim 1 as directed by the Examiner. Thus, Applicant submits that the objection of claim 1 has been obviated.

The Examiner has objected to claim 14, line 4, stating, "'an messaging threshold violation' should be changed to 'a messaging threshold violation'." Applicant has amended claim 14 as directed by the Examiner. Thus, Applicant submits that the objection of claim 14 has been obviated.

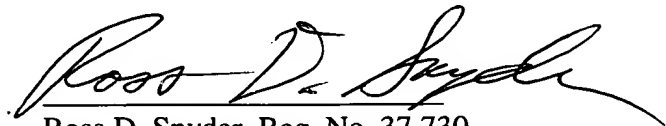
The Examiner has rejected claims 17, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,253,248 issued to Dravida et al. in view of Applicant's admitted prior art. Applicant respectfully disagrees. Applicant submits that Dravida et al. states, in col. 11, lines 38-43, "The output of congestion monitor 2740 controls nodal processor 2730 such that a primary route to a destination is selected from table 2750 in the absence of congestion and an alternate route to a destination is selected from table 2760 in the presence of congestion." However, Applicant submits that Dravida et al. fails to disclose "such that calls are routed away from the congestion." Thus, Applicant submits that claims 17, 19, and 21 are in condition for allowance.

The Examiner has allowed claims 1-16. The Examiner has objected to claims 18, 20, 22, and 23 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of Applicant's arguments for allowability of claims 17, 19, and 21, Applicant submits that claims 18, 20, 22, and 23 are also in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

09/07/04  
Date

  
Ross D. Snyder, Reg. No. 37,730  
Attorney for Applicant(s)  
Ross D. Snyder & Associates, Inc.  
115 Wild Basin Road, Suite 107  
Austin, Texas 78746  
(512) 347-9223 (phone)  
(512) 347-9224 (fax)